

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

VALENTE OCHOA-NUNEZ,

Defendant.

Case Nos. 3:22-cr-00065-MMD-CLB

ORDER

The Court sentenced Defendant Valente Ochoa-Nunez to a term of 36 months, followed by five years of supervised release, on one count of distribution of a controlled substance. (ECF No. 48.) Before the Court is Ochoa-Nunez's *pro se* motion for a sentence reduction under 18 U.S.C. § 3582(c), seeking a reduction in his sentence under United States Sentencing Commission Guideline Amendment 821 as it relates to criminal history calculations. (ECF No. 49 ("Motion").) The Federal Public Defender for the District of Nevada ("FPD") filed a notice of non-eligibility ("Notice") under the Court's Second Amended General Order 2023-09 ("GO 2023-09").¹ (ECF No. 51.)

Part B, Subpart 1 of Amendment 821 creates new Chapter Four guidelines at Section 4C1.1, decreasing by two the offense levels for a defendant who did not receive any criminal history points and whose pertinent offense did not involve specific aggravating factors. The Notice correctly points out that Ochoa-Nunez is not eligible for a sentence reduction because the Court already applied the two-level reductions described in Part B, Subpart 1 at sentencing. (ECF No. 51.) In other words, Ochoa-Nunez

¹GO 2023-09 presumptively appoints the FPD to represent any defendant who qualifies for appointment of counsel to determine whether that defendant qualifies for retroactive relief under Amendment 821. The General Order establishes a process for the FPD to review a *pro se* motion for sentence reduction, which includes informing the Court and the defendant whether the defendant is eligible for such a reduction.

1 has received the reduction he now asks the Court to apply. For this reason, Ochoa-Nunez
2 is not entitled to any additional relief under Amendment 821.

3 It is therefore ordered that Defendant's motion for a sentence reduction under 18
4 U.S.C. § 3582(c) (ECF No. 49) is denied.

5 DATED THIS 16th Day of September 2024.

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MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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